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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cosmin Dini, et al.

Serial No.: 10/714,192

Filed on: November 14, 2003

) Confirmation No.: 9354  
)  
) Examiner: NYA  
)  
) Group Art Unit No.: 2141  
)

For: METHOD AND APPARATUS FOR MEASURING THE AVAILABILITY OF A  
NETWORK ELEMENT OR SERVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

The attention of the Office is also drawn to the following references: Alessandro Birolini, On the Use of Stochastic Processes in Modeling, Reliability Problems, Springer-Verlag, 1985 (Lecture Notes in Economics and Mathematical Systems, 252); ISO/IEC 9596-1:1991, Information Technology - Open System Interconnection-Common Management Information Protocol - Part 1: Specification, CAN/CSA-Z243.142-91; Charles R. Kime, System Diagnosis, in: Fault-Tolerant Computing - Theory and Techniques, ed: Dhiraj K. Pradhan, Prentice-Hall, 1986, New Jersey, 07632; Krishna K. Misra, Reliability Analysis and Prediction, Elsevier, 1992; Michael K. Molloy, Fundamentals of Performance Modeling, Macmillan Publishing Company, 1989, New York 10022; Shahan Neyaz, Estimation of Reliability Parameters of a Redundant

System with one Repair Facility, Master Thesis, Concordia University, 1987; J.J. Stifter, Computer-Aided Reliability Estimation, in: Fault-Tolerant Computing - Theory and Techniques, ed: Dhiraj K. Pradhan, Prentice Hall, 1986, New Jersey 07632; Pramode Verma, Modeles de performances des reseaux, InterEditions, Paris, 1992 and Tu, M., "Estimation of Point-to-Point Traffic Loads based on Network Measurements," 13th ITC proceedings, June 1991 and Real Time Traffic Estimation in circuit-Switched networks, pp. 1175-1184, ITC 14. The applicants believe that these references are pertinent to the disclosure of this application, but at some point after becoming aware of these references, the applicants misplaced their copies of the references and can no longer locate the original references or any copies.

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

  X   37 C.F.R. §1.97(b).

       37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

       A statement pursuant to 37 C.F.R. §1.97(e)

       1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

       1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

       A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

\_\_\_\_\_ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

\_\_\_\_\_ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

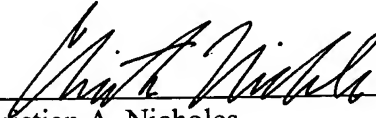


Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 2, 2004

  
\_\_\_\_\_  
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Reg. No. 50,266

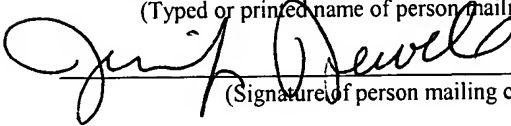
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Jennifer Newell

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\_\_\_\_\_  
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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)</b>	<b>ATTY. DOCKET NO.</b> 50325-0827	<b>SERIAL NO.</b> 10/714,192
	<b>APPLICANT:</b> Cosmin Dini et al.	
	<b>FILING DATE:</b> November 14, 2003	<b>GROUP:</b> 2141

U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			
		2003/0005023	A1	Gilbert et al.	01-02-2003	

FOREIGN PATENT DOCUMENTS								
Exam. Initial*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				

OTHER ART - NO PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation <sup>2</sup>
		Harold Ascher, et al., "Repairable Systems Reliability, Modeling, Interference, Misconceptions and Their Causes," Lecture Notes in Statistics, Volume 7, 1984, 239 pages.	
		Alain Pages, et al., "System Reliability Evaluation & Prediction in Engineering," 1986, 367 pages.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.